



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
(Implements RCW 34.05.350)

**Agency:** Department of Early Learning

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- ☐ Immediately upon filing.  
☒ Later (specify) 07/01/2016

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- ☐ Yes ☒ No If Yes, explain:

**Purpose:** To implement the Early Start Act of 2015 by establishing 12 month eligibility with limited reporting requirements in Working Connections Child Care (WCCC) and Seasonal Child Care (SCC) and making previously existing rules more compatible with the Act, and by requiring new and existing WCCC and SCC providers to participate in Early Achievers and demonstrate quality within statutory timeframes in order to be eligible to receive subsidy payments. To implement WCCC and SCC base rate increases negotiated in the State's Collective Bargaining Agreement with SEIU 925 and as funded in the budget. To implement graduated phase out of families receiving WCCC and SCC benefits when income exceeds program limits within a specified window, and to implement WCCC and SCC resource limits, as required by Reauthorization of the Child Care Development Block Grant Act.

**Citation of existing rules affected by this order:**

Repealed:

Amended: Thirty Seven (37) Rules - See Attachment

Suspended:

**Statutory authority for adoption:** RCW 43.215.070; chapter 43.215 RCW

**Other authority :**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- ☐ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Emergency rules are necessary for the preservation of the public health, safety, and general welfare because the Early Start Act, passed during the 2015 legislative session, directs DEL to implement these requirements by July 1, 2016. Observing the time requirements of notice and opportunity to comment on the adoption of permanent rules would be contrary to the public interest as a conflict would develop between the statutes and rules. This would create confusion for the agencies administering the program, providers, subsidy recipients and the public in general. These emergency rules are being filed to comply with the legislature's mandate and appropriate procedures to adopt the rules as permanent rules will proceed while these emergency rules are in place.

**Date adopted:** June 21, 2016

**NAME (TYPE OR PRINT)**

Ross Hunter

**SIGNATURE**

**TITLE**

DEL Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** June 30, 2016

**TIME:** 8:37 AM

**WSR 16-14-054**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>3</u>	Amended	<u>37</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

Title of Rule and Other Identifying Information:

**Adding 3 New Sections:**

**170-290-0014** Verifying information for a provider's payment.

**170-290-0022** Eligibility Resources.

**170-290-3558** Resources.

**37 Revised Sections:**

Subtitle: Part I. Introduction

**170-290-0003** Definitions.

Part II. Working Connections Child Care

Subtitle: Eligibility Requirements

**170-290-0005** Eligibility.

**170-290-0012** Verifying consumers' information.

**170-290-0020** Eligibility—Special circumstances.

Subtitle: Rights and Responsibilities

**170-290-0030** Consumers' responsibilities.

**170-290-0031** Notification of changes.

**170-290-0032** Failure to report changes.

**170-290-0035** DSHS's responsibilities to consumers.

Subtitle: Approved Activities

**170-290-0050** Additional requirements for self-employed WCCC consumers.

**170-290-0055** Receipt of benefits when not engaged in approved activities.

Subtitle: Income and Copayment Calculations

**170-290-0082** Eligibility period.

**170-290-0085** Change in copayment.

**170-290-0090** Minimum copayment.

Subtitle: Start Dates and Eligibility Period

**170-290-0095** When WCCC benefits start.

**170-290-0109** Reapplication

**170-290-0110** Termination of and redetermining eligibility for benefits.

Subtitle: Eligible Child Care Providers

**170-290-0125** Eligible child care providers.

**170-290-0130** In-home/relative providers—Eligibility.

Subtitle: Subsidy Rates and Fees

**170-290-0190** WCCC authorized and additional payments—Determining units of care.

Payment Discrepancies

**170-290-0269** Payment discrepancies—Consumer underpayments.

**170-290-0271** Payment discrepancies—Consumer overpayments.

## Part III. Seasonal Child Care

### Subtitle: Eligibility Requirements

**170-290-3520** Eligibility.

**170-290-3550** Eligibility—Special circumstances for two-parent families.

**170-290-3555** Eligibility—Approved activities.

### Subtitle: Rights and Responsibilities

**170-290-3565** Consumers' responsibilities.

**170-290-3570** Notification of changes.

**170-290-3580** Failure to report changes.

**170-290-3590** DSHS's responsibilities to consumers.

### Subtitle: Income and Copayment Calculations

**170-290-3640** Determining income eligibility and copayment.

**170-290-3650** Change in copayment.

**170-290-3660** Eligibility period.

### Subtitle: Start Dates and Eligibility Period

**170-290-3665** When SCC program subsidies start.

### Subtitle: Eligible Providers and Rates

**170-290-3750** Eligible child care providers.

**170-290-3770** Authorized SCC payments.

**170-290-3790** When additional SCC subsidy payments are authorized.

### Subtitle: Review Process

**170-290-3840** New eligibility period.

### Subtitle: Payment Discrepancies

**170-290-3855** Termination of and redetermining eligibility for SCC program subsidies.